

EXHIBIT "A" (3 of 4)

1 before or after, causing this procedure,  
 2 Exhibit 18, to go into the procedure books?  
 3  
 4 A. No.  
 5 Q. Did you ever ask anybody to make  
 6 sure that it was in there at or about that time?  
 7 A. I may have.  
 8 Q. Do you recall who you asked?  
 9 A. No.  
 10 Q. Did anybody ever indicate to you  
 11 that at or about that time in August of '06, give  
 12 or take a month, this procedure was not in one or  
 13 more of the procedure books?  
 14 A. No.  
 15 MS. BERG: Can I have marked  
 16 as Exhibit 35 a copy of an October 5,  
 17 2005, Chairman's Memorandum.  
 18 (Whereupon, 10/5/05 Chairman's  
 19 Memorandum was marked as Plaintiff's  
 20 Exhibit No. 35, for id.)  
 21 Q. Have you ever seen Exhibit 35  
 22 before? (Handing)  
 23 A. I don't recall it.  
 24 Q. Do you recall receiving anything  
 25 which, in substance, contained what's in

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1 Robert LeFever  
 2 Exhibit 35? And take your time to review it.  
 3 (Pause in the record)  
 4 A. No, I don't recall it.  
 5 Q. In the third paragraph it says,  
 6 "Since the 1980s, the Commission has held that  
 7 the only instrument that is in compliance with  
 8 Section 7013.7 (b) (5), is the suicide screening  
 9 form, which was a joint project of the Commission  
 10 and the New York State Office of Mental Health."  
 11 Bold, underlined: "This continues to be the  
 12 case."  
 13 Do you see that?  
 14 A. Yes.  
 15 Q. Did you receive any information in  
 16 or about '05 or any other point that the suicide  
 17 screening form that was created by the Commission  
 18 and the Office of Mental Health was the only  
 19 instrument that complied with the minimum  
 20 standards?  
 21 A. No.  
 22 Q. Nobody ever told you that?  
 23 A. No.  
 24 Q. Do you recall how often in any given  
 25 year you would receive these, the Chairman

COMPU-TRAN SHORTHAND REPORTING

1 Memorandum?  
 2 A. When they come.  
 3 Q. How often is that?  
 4 A. It could be 20 a year or ten a year.  
 5 Q. And other than physically receiving  
 6 it through the mail, are you notified any other  
 7 way?  
 8 A. No.  
 9 Q. Other than yourself, do you know of  
 10 anybody who receives these memorandum in Putnam  
 11 County?  
 12 A. No.  
 13 Q. For example, a Lieutenant or anybody  
 14 else?  
 15 A. Well, they come into the division;  
 16 and then the lieutenant, the sergeants, read it.  
 17 Q. And in terms of the ADM 330,  
 18 Exhibit 1, you understood that that was something  
 19 that was created by the Commission and the Office  
 20 of Mental Health; correct?  
 21 A. Yes.  
 22 Q. This memorandum also refers to a  
 23 screening tool that can be used to assess a  
 24 history of mental illness for treatment, and it

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Robert LeFever

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1 Robert LeFever  
 2 provides a website on the second page to find  
 3 that instrument.  
 4 Did you ever do anything to look  
 5 into whether any other form could be used by  
 6 Putnam County --  
 7 A. No.  
 8 Q. -- in terms of assessing just the  
 9 mental illness portion?  
 10 A. No.  
 11 MS. BERG: Let me have  
 12 marked as Exhibit 36 a copy of the form  
 13 that was obtained from that website which  
 14 says, "Brief Jail Mental Health Screen."  
 15 (Whereupon, two-page Brief Jail Mental  
 16 Health Screen, was marked as Plaintiff's  
 17 Exhibit No. 36, for id.)  
 18 Q. Just take a look at the form,  
 19 itself, and tell me if you've ever seen that  
 20 before.  
 21 A. (Witness complies) No.  
 22 Q. Did you ever have any discussions  
 23 with anybody about including in the Medical  
 24 Intake Record a form that would assess  
 25 specifically any history of mental illness, such

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1                   **Robert LeFever**

2   screening.

3                   **Q.** When you went to medical, did you  
4 have any conversations with anybody?

5                   **A. I don't believe so.**

6                   **Q.** Do you recall if Susan Waters was on  
7 shift?

8                   **A. Yes.**

9                   **Q.** Did you speak with her at any point?

10                  **A. I don't remember.**

11                  **Q.** Do you recall asking her to pull the  
12 file?

13                  **A. Yes.**

14                  **Q.** And was that the first time that you  
15 then saw the suicide screening form?

16                  **A. Yes.**

17                  **Q.** And did you discuss that with Susan  
18 Waters at any point?

19                  **A. I don't remember.**

20                  **Q.** Do you recall making any statements  
21 to her?

22                  **A. No.**

23                  **Q.** Do you recall saying to her words to  
24 the effect of, this is a problem, or this is not  
25 good?

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1                   **Robert LeFever**

2                  **A. Possibly, yes.**

3                  **Q.** Do you recall doing that as you sit  
4 here today?

5                  **A. Yes.**

6                  **Q.** And do you recall if she responded?

7                  **A. No.**

8                  **Q.** When you told her that this is a  
9 problem, or this is not good, were you referring  
10 to the suicide screening form?

11                 **A. Yes.**

12                 **Q.** What about it?

13                 **A. That the score was a ten, and he  
14 wasn't on a constant watch.**

15                 **Q.** How did you know he was not on a  
16 constant watch?

17                 **A. I don't remember. Somebody must've  
18 told me when I came in.**

19                 **Q.** Do you recall if, at any point in  
20 time prior to reviewing the medical file, if you  
21 asked anybody whether he was on any kind of a  
22 watch?

23                 **A. I may have. I don't remember.**

24                 **Q.** You don't recall one way or the  
25 other?

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1                   **Robert LeFever**

2                  **A. No.**

3                  **Q.** Did you speak with anybody from the  
4 Sheriff's Department at any point in time prior  
5 to reviewing the medical file?

6                  **A. No.**

7                  **Q.** After looking -- withdrawn.

8                  Anything else that you can recall  
9 saying to Susan Waters or her saying to you?

10                 **A. No.**

11                 **Q.** After looking at the medical file,  
12 what, if anything, did you do?

13                 **A. I just -- I actually didn't review**

14 **the medical file. I got a copy of this form;  
15 that's the only thing I did. And then I believe  
16 I went and met with the sheriff. The sheriff was  
17 in the building at that time.**

18                 **Q.** And you met with him in the jail?

19                 **A. Yes.**

20                 **Q.** And do you recall what you said to  
21 the sheriff and what he said to you?

22                 **A. I had the form and I said, it's  
23 not -- it's not good.**

24                 **Q.** Was anyone else present?

25                 **A. There may have been. I don't**

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1                   **Robert LeFever**

2                  **recall.**

3                  **Q.** Do you recall anything that Sheriff  
4 Smith said to you?

5                  **A. No.**

6                  **Q.** How long did you meet with him for,  
7 at that time?

8                  **A. A minute in the hallway.**

9                  **Q.** What, if anything, did you say to  
10 him and did he say to you?

11                 **A. At that time, nothing.**

12                 **Q.** What did you do after that?

13                 **A. Once we -- the situation was all  
14 taken care with - you know, investigators were in  
15 and the coroner was in -- we went and met in his  
16 office.**

17                 **Q.** Into the sheriff's office?

18                 **A. Yes.**

19                 **Q.** When the investigators and the  
20 coroner were coming into the building, where were  
21 you?

22                 **A. Just in the hallway.**

23                 **Q.** Did you actually go to the cell at  
24 any point in time?

25                 **A. I walked past it.**

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*Robert LeFever*

1           Q. Did you stay there for any length of  
 2 time?

3           A. No.

4           Q. Did you speak with the investigators  
 5 at any time?

6           A. No.

7           Q. Did anybody ever ask you any  
 8 questions as part of an investigation?

9           A. No.

10          Q. You said then after the  
 11 Investigators and the coroner came to the  
 12 building, you met with the sheriff in the  
 13 sheriff's office?

14          A. Yes.

15          Q. Was anybody else present?

16          A. I don't remember.

17          Q. How long did that meeting last?

18          A. Half an hour.

19          Q. What did you say to him, and what  
 20 did he say to you?

21          A. In substance, we just talked about  
 22 the form, how it was a ten and it wasn't a  
 23 constant watch. And that's really it. Talked  
 24 about getting documents together.

25          COMPU-TRAN SHORTHAND REPORTING

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1           *Robert LeFever*

2           Q. Do you recall what documents?

3           A. Made sure we got the statements,  
 4 photographs, all the stuff pertaining to the  
 5 incident.

6           Q. Anything else?

7           A. Not that I can recall.

8           Q. Do you recall anything specific that  
 9 the sheriff said about the form?

10          A. No.

11          Q. Do you recall anything that he said  
 12 about the fact that the score was a ten and he,  
 13 Spencer, was not on a constant watch?

14          A. No.

15          Q. Did you discuss with him at that  
 16 time anything about who was responsible for doing  
 17 the intake?

18          A. No.

19          Q. Or who actually did it?

20          A. I don't remember.

21          Q. Do you recall if you discussed  
 22 anything about Vasaturo or LaPolla?

23          A. Don't remember.

24          Q. Did you, at any point in time, speak  
 25 with Vasaturo about Spencer?

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Filed 05/07/2008 Page 6 of 24*Robert LeFever*

1           A. . .

2           Q. Or about any role he had in the  
 3 process?

4           A. No.

5           Q. Did you ever speak with LaPolla  
 6 about Spencer?

7           A. No.

8           Q. Or about any role he had in the  
 9 process?

10          A. No.

11          Q. Anything else that you can recall  
 12 saying to the sheriff or the sheriff saying to  
 13 you?

14          A. No.

15          Q. What, if anything else, did you do  
 16 after that time?

17          A. That was it. Everything was --  
 18 everything was done and we just -- we just left.

19          Q. Do you recall if you had any  
 20 communications with Undersheriff Convery?

21          A. I don't remember.

22          Q. Do you recall if you had --  
 23 withdrawn.

24          Did you, yourself, conduct any kind  
 25 COMPU-TRAN SHORTHAND REPORTING

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1           *Robert LeFever*

2          of investigation or inquiry as to what happened?

3           A. No.

4           Q. As to why, for example, there was a  
 5 score of ten, but he wasn't on a constant watch?

6           A. No.

7           Q. Do you know if anybody asked those  
 8 questions?

9           A. I don't know.

10          Q. Do you know if anybody asked  
 11 anything about why he wasn't -- withdrawn.

12          Did you ever find out anything about  
 13 whether the supervisor, Sergeant LaPolla, was  
 14 notified of this score on the form?

15          A. Yes.

16          Q. How did you find that out?

17          A. Later on.

18          Q. Do you recall in what context?

19          A. No, I don't.

20          Q. Was it a verbal communication?

21          A. It was verbal.

22          Q. Do you remember who told you?

23          A. No.

24          Q. What were you told as to LaPolla's  
 25 awareness?

COMPU-TRAN SHORTHAND REPORTING

*Robert LeFever*

03:14:49 1 A. That he was notified originally of  
03:14:52 2 Sinkov coming in -- I don't remember the  
03:14:54 3 particulars of why he was notified -- and that  
03:14:56 4 there was some conversation about putting him in  
03:14:59 5 Cell 29.

03:15:01 6 Q. And then, what happened?

03:15:02 7 A. And then, I believe Vasaturo told  
03:15:04 8 him, put him in Cell 7. And that was the end of  
03:15:12 9 it.

03:15:14 10 Q. Under those circumstances, as the  
03:15:16 11 tour supervisor, would LaPolla have had a duty to  
03:15:18 12 inquire as to why the cell was changed?

03:15:20 13 MR. RANDAZZO: Objection to  
03:15:22 14 the form.

03:15:24 15 You can answer it.

03:15:26 16 A. Yes.

03:15:28 17 Q. And under those circumstances, Cell 29  
03:15:30 18 to Cell 7, is there something about that, that  
03:15:32 19 would cause LaPolla or some tour supervisor to  
03:15:34 20 make an inquiry?

03:15:36 21 A. Yes.

03:15:38 22 Q. What about that?

03:15:40 23 A. Cell 29 is in the general housing  
03:15:42 24 area, which has a lot more traffic and a lot more  
03:15:44 25 COMPU-TRAN SHORTHAND REPORTING

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*Robert LeFever*

03:15:46 1 staff around than Cell 7 does.

03:15:48 2 Q. Are they on different housing units?

03:15:50 3 A. Yes; and different levels.

03:15:52 4 Q. Does that in any way affect the tour  
03:15:54 5 supervisor's responsibility to inquire as to why  
03:15:56 6 the cell was changed?

03:15:58 7 A. Yes.

03:15:60 8 Q. In what way?

03:15:62 9 A. Observation and availability to the  
03:15:64 10 person.

03:15:66 11 Q. And in Cell 29, there would have  
03:15:68 12 been more availability, or less?

03:15:70 13 A. More.

03:15:72 14 Q. Do you know who made the  
03:15:74 15 determination to change the cell to Cell 7?

03:15:76 16 A. No.

03:15:78 17 Q. Did you ever inquire of anybody as  
03:15:80 18 to why that decision was made?

03:15:82 19 A. No.

03:15:84 20 Q. Do you know if anybody asked those  
03:15:86 21 questions?

03:15:88 22 A. I do not, no.

03:15:90 23 Q. Did you ever speak with anybody  
03:15:92 24 about what specifically LaPolla knew as to the  
03:15:94 25 COMPU-TRAN SHORTHAND REPORTING

*Robert LeFever*

03:16:00 1 level of supervision prior to Spencer's suicide?

03:16:02 2 A. No.

03:16:04 3 Q. Did you ever ask anybody as to what  
03:16:06 4 Vasaturo communicated to LaPolla about Spencer's  
03:16:08 5 level of supervision?

03:16:10 6 A. No.

03:16:12 7 Q. Do you know if anybody asked those  
03:16:14 8 questions?

03:16:16 9 A. I do not, no.

03:16:18 10 Q. Did you ever have occasion to see a  
03:16:20 11 P-1 pertaining to the cell assignment?

03:16:22 12 A. Yes.

03:16:24 13 Q. I had that marked as Exhibit 4.

03:16:26 14 (Handing)

03:16:28 15 Do you recall when you first saw  
03:16:30 16 that?

03:16:32 17 A. No, I do not.

03:16:34 18 Q. And it says in that P-1 -- let me  
03:16:36 19 back up for a second. The P-1 is required to be  
03:16:38 20 done by the correction officer; correct?

03:16:40 21 A. Yes.

03:16:42 22 Q. And that would be to notify staff of  
03:16:44 23 a supervisory -- a heightened supervisory level?

03:16:46 24 A. Yes.

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*Robert LeFever*

03:17:14 1 Q. And in this case, Vasaturo issued  
03:17:16 2 the memo to All Members, Correction Division.

03:17:18 3 A. Was that standard language to send  
03:17:20 4 it to?

03:17:22 5 A. Yes.

03:17:24 6 Q. And what is Vasaturo or the booking  
03:17:26 7 officer required to do with the P-1 after it's  
03:17:28 8 created?

03:17:30 9 A. He's required to give it to the

03:17:32 10 sergeant and also put one in the -- it's called a  
03:17:34 11 P-1 briefing book.

03:17:36 12 Q. Where is that briefing book?

03:17:38 13 A. In the briefing room.

03:17:40 14 Q. And what happens with respect to  
03:17:42 15 this P-1 and that briefing book?

03:17:44 16 A. I don't know.

03:17:46 17 Q. In other words, do you know if  
03:17:48 18 people are required to review the P-1s that are  
03:17:50 19 in the briefing book?

03:17:52 20 A. Yes.

03:17:54 21 Q. When are they required to do that?

03:17:56 22 A. When they report for their shift.

03:17:58 23 Q. And is there any oral discussion as  
03:17:60 24 to what P-1s in the briefing book state?

COMPU-TRAN SHORTHAND REPORTING

*Robert LeFever*

1 A. Yes.

2 Q. Is that at shift change, also?

3 A. Yes.

4 Q. Is the outgoing sergeant, the one  
5 who is going off shift, required to notify the  
6 incoming sergeant of the P-1s that are in that  
7 book?

8 A. Yes.

9 Q. And is the outgoing sergeant  
10 required to notify the incoming C.O.'s, the  
11 correction officers, as to the nature of the P-1s  
12 in that book?

13 A. Yes.

14 Q. And then, would the sergeant that is  
15 taking over, also have the responsibility to  
16 review the briefing book?

17 A. Yes.

18 Q. And also, to advise the correction  
19 officers under him or her for that shift of the  
20 nature of those P-1's?

21 A. Yes.

22 Q. And did you ask anybody in this case  
23 as to whether Sergeant LaPolla, who was going off  
24 shift, had ever seen Exhibit 4?

25 COMPU-TRAN SHORTHAND REPORTING

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1 Robert LeFever

2 A. No.

3 Q. Did you ever ask anyone, including  
4 LaPolla, as to whether or not it was in the  
5 briefing book?

6 A. No.

7 Q. Do you know if anybody asked those  
8 questions?

9 A. No, I do not.

10 Q. Do you know if Vasaturo gave LaPolla  
11 a copy of Exhibit 4?

12 A. I do not know.

13 Q. Did you ever ask him or anybody  
14 about that?

15 A. No.

16 Q. Do you know if anybody followed up  
17 on that?

18 A. No.

19 Q. And in terms of the briefing book,  
20 did you at any point in time look through it to  
21 see if this P-1 was actually there?

22 A. No.

23 Q. Is there anything in the briefing  
24 book that would indicate, for example, a date and  
25 time as to when the P-1 is placed in that book?

COMPU-TRAN SHORTHAND REPORTING

1 Robert LeFever

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2 A.

3 Q. Did you ever ask anybody as to  
4 whether the incoming shift -- those who came in  
5 after Spencer was taken into the facility -- were  
6 told about anything concerning that P-1?

7 A. No.

8 Q. Do you know if anybody asked those  
9 questions?

10 A. No.

11 Q. Do you know who the sergeant was  
12 that was -- withdrawn.13 Was it sergeant LaPolla that was on  
14 shift when Spencer came into the facility?

15 A. Yes.

16 Q. And then Spencer's suicide occurred  
17 at the very next shift; correct?

18 A. Correct.

19 Q. That was under Sergeant Jackson?

20 A. Yes.

21 Q. Was Sergeant LaPolla and Sergeant  
22 Jackson at that time the highest ranking members  
23 in the Putnam County Correctional Facility?

24 A. Yes.

25 Q. The P-1 pertaining to Spencer Sinkov  
COMPU-TRAN SHORTHAND REPORTING

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1 Robert LeFever

2 refers to "15-minute supervisory check, due to  
3 resent use of drugs and answers given on the  
4 suicide screening."

5 Do you see that?

6 A. Yes.

7 Q. Under those circumstances, would it  
8 have been the responsibility of LaPolla to do  
9 anything?

10 A. Yes.

11 Q. What?

12 A. Find out what the details are on  
13 that.14 Q. And how would he go about doing  
15 that?16 A. Talking to Officer Vasaturo and  
17 looking at all the intake records.18 Q. Including the suicide screening  
19 form?

20 A. Yes.

21 Q. Do you know if LaPolla did that?

22 A. I do not, no.

23 Q. Do you know if anybody followed up  
24 to ask if he had done that?

25 A. I don't know.

COMPU-TRAN SHORTHAND REPORTING

1                   **Robert LeFever:**

2       Q. Based on your review of Exhibit 3,  
 3 the suicide screening form pertaining to Spencer,  
 4 other than the fact that he scored ten on the  
 5 form, is there any other reason why he would have  
 6 been required to be placed on a constant watch?

7       A. No.

8       Q. Including anything about the shaded  
 9 boxes?

10      A. No.

11      Q. Did you ever speak with Vasaturo at  
 12 any point in time about whether or not he made  
 13 any mistakes in filling out Exhibit 3?

14      A. No.

15      Q. Did anybody ever tell you, in words  
 16 or substance, that Vasaturo claimed he  
 17 inappropriately checked "Yes" when the answer  
 18 should have been "No"?

19      A. I don't remember.

20      Q. Or vice-versa?

21      A. I don't remember.

22      Q. Did Vasaturo ever tell you, either  
 23 verbally or in writing, that, in fact, looking at  
 24 the form recently, he would have said that  
 25 Spencer's score would have been below eight?

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1                   **Robert LeFever**

2       A. No.

3       Q. To your knowledge, did anybody ever  
 4 ask Vasaturo any specifics about the intake  
 5 process?

6       A. I don't know.

7       Q. Did you ever review any statements  
 8 that were given in writing by individuals who  
 9 were questioned by the Putnam County Sheriff's  
 10 investigators?

11      A. No.

12      Q. Do you know if anybody reviewed  
 13 those?

14      A. I do not, no.

15      Q. During any of the staff meetings you  
 16 attended or any other discussions with  
 17 administration, did you ever come to learn what  
 18 that investigation revealed?

19      A. No.

20      Q. Did you ever see any report on the  
 21 investigation?

22      A. From the Commission of Corrections.

23      Q. I'm talking about the Putnam County  
 24 Sheriff's investigators, though - any report or  
 25 summary of their findings?

COMPU-TRAN SHORTHAND REPORTING

1                   **Robert LeFever**

2       A. No.

3       Q. When did you first come to learn  
 4 that the Commission of Correction was going to be  
 5 doing an investigation?

6       A. Within 24 hours of the incident.

7       Q. Did you speak with anybody from the  
 8 Commission --

9       A. I may have.

10      Q. -- at or about that time?

11      A. I may have.

12      Q. Do you recall who?

13      A. No.

14      Q. Do you recall somebody from the

15 Commission contacting you and discussing with you  
 16 specifically the suicide screening form?

17      A. No.

18      Q. Did you ever discuss with LaPolla  
 19 whether or not he was aware of the score on the  
 20 suicide screening form at any point in time prior  
 21 to Spencer's suicide?

22      A. No.

23      Q. Did anybody ever indicate to you  
 24 that LaPolla claimed he was only notified about  
 25 the recent use of drugs, and not the score on the

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1                   **Robert LeFever**

2       screening form?

3       A. No.

4       Q. Do you know if anybody asked  
 5 questions of LaPolla or anybody else about  
 6 specifically what LaPolla knew prior to Spencer's  
 7 suicide?

8       A. No.

9       Q. On the form, itself, there's a  
 10 section which refers to "Mental Health Referral;"  
 11 right?

12      A. Yes, yes.

13      Q. And that part of Spencer's suicide  
 14 screening form is blank; correct?

15      A. Yes.

16      Q. Under the circumstances where  
 17 somebody scores ten or higher -- I'm sorry; eight  
 18 or higher, I believe, earlier, you said that a  
 19 Mental Health Referral Routing Sheet would be  
 20 done?

21      A. Yes.

22      Q. That's the same as the mental health  
 23 referral form that's referred to there?

24      A. Yes.

25      Q. And in this case, looking at

COMPU-TRAN SHORTHAND REPORTING

1                   **Robert LeFever**  
 2 Exhibit 3, would it have been required for  
 3 Spencer to have a mental health referral at  
 4 intake?

5                   **A. Yes.**

6                   **Q. And can you tell from this whether**  
 7 or not it was ever done?

8                   **A. No.**

9                   **Q. It doesn't appear that it was,**  
 10 though; correct?

11                  **A. Correct.**

12                  **Q. Did you ever inquire of anybody as**  
 13 to whether a mental health referral was ever  
 14 made?

15                  **A. No.**

16                  **Q. Did you ever see any documents**  
 17 indicating that a mental health referral was  
 18 made?

19                  **A. I don't remember.**

20                  **Q. Did you ever see Exhibit 5, which is**  
 21 a Mental Health Referral Routing Sheet completed  
 22 by Susan Waters? (Handing)

23                  **A. I don't recall.**

24                  **Q. Did you ever speak with Susan Waters**  
 25 about anything concerning her interactions with

COMPU-TRAN SHORTHAND REPORTING

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1                   **Robert LeFever**

2 Spencer?

3                   **A. No.**

4                   **Q. Did you speak with anybody from**  
 5 AmeriCor about their interactions with Spencer?

6                   **A. No.**

7                   **Q. Did you know Nurse Peter Clarke?**

8                   **A. Yes.**

9                   **Q. And did you ever have any**  
 10 conversations with him about the intake of  
 11 Spencer --

12                  **A. No.**

13                  **Q. -- or anything else pertaining to**  
 14 his interactions with him?

15                  **A. No.**

16                  **Q. Did you ever speak with Officer**  
 17 Wendover about anything concerning his  
 18 interactions with Spencer?

19                  **A. No.**

20                  **Q. How about Officer Oliver - any**  
 21 conversations with him about Spencer?

22                  **A. No.**

23                  **Q. Were you aware at some point in time**  
 24 that Spencer had received a visit?

25                  **A. Yes.**

COMPU-TRAN SHORTHAND REPORTING

1                   **Robert LeFever**

2                   **Q. How did you find that out?**

3                   **A. That day, someone told me.**

4                   **Q. After you responded --**

5                   **A. Yes.**

6                   **Q. -- when you got the call about the**  
 7 suicide?

8                   **A. Yes.**

9                   **Q. Do you recall who communicated that**  
 10 to you?

11                  **A. No.**

12                  **Q. Do you recall what, in substance,**  
 13 you were told, other than the fact that he had a  
 14 visit?

15                  **A. Only that he had a visit with his**  
 16 parents.

17                  **Q. Did you learn anything about what**  
 18 was said during that discussion?

19                  **A. No.**

20                  **Q. Are there any policies or procedures**  
 21 at the Putnam County Correctional Facility  
 22 regarding who is responsible for providing any  
 23 resuscitation, CPR efforts in the event that an  
 24 inmate appears to be in need of them?

25                  **A. No.**

COMPU-TRAN SHORTHAND REPORTING

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1                   **Robert LeFever**

2                   **Q. Can correction officers and medical**  
 3 staff both do that?

4                   **A. Yes.**

5                   **Q. Are you aware of any policies or**  
 6 procedures that indicate who is permitted to stop  
 7 resuscitation efforts?

8                   **A. Once you start, you can't stop.**

9                   **Q. Until what?**

10                  **A. Until you're relieved by a higher-**  
 11 trained person.

12                  **Q. What does that mean in terms of**  
 13 "higher-trained person"?

14                  **A. Well, if you're an EMT, a paramedic**  
 15 can relieve you. And then I believe a paramedic  
 16 has to confer with the hospital or doctor.

17                  **Q. And in terms of a nurse -- say, an**  
 18 AmeriCor nurse, are they permitted to stop CPR?

19                  **A. I don't know.**

20                  **Q. Do you know of any policies or**  
 21 procedures on that?

22                  **A. No.**

23                  **Q. If a correction officer had started**  
 24 CPR and an AmeriCor nurse came in, could an  
 25 AmeriCor nurse stop the procedures?

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1 A. I don't know.

2 Q. Are you aware of any requirement  
3 that the hospital or doctor be notified prior to  
4 CPR being stopped?

5 A. No.

6 Q. Are you aware of any requirement  
7 that the ambulance, EMT, or paramedic staff  
8 actually stop CPR?

9 A. No.

10 Q. Did you speak with somebody from the  
11 Commission on one occasion or more than one  
12 occasion pertaining to Spencer's Sinkov?

13 A. More than one occasion.

14 Q. And do you recall if you spoke with  
15 the same person each time?

16 A. No.

17 Q. Do you remember who you spoke with?

18 A. No.

19 Q. In substance, what were you asked,  
20 and what did you communicate?21 A. Just to, you know, get -- they  
22 called initially -- we have to report the  
23 incident within six hours. And they called back  
24 within 24, you know, to get some highlights of

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1 what happened. Then, you know, I was putting the  
2 documents together. Then, I sent a letter for --  
3 to have staff ready for investigation purposes.

4 And more documents. That type of thing.

5 Q. And in terms of the letter for staff  
6 to be available for investigation purposes, did  
7 you speak with any of those staff before they met  
8 with the commissioners or the investigators?

9 A. I may have.

10 Q. Do you recall if you told them  
11 anything about what they were being -- going to  
12 be asked?

13 A. Tell the truth.

14 Q. Do you recall if you said that?

15 A. I probably did, yes.

16 Q. You're saying, "probably." Do you  
17 have a recollection?

18 A. Yes, I did.

19 Q. Who did you speak with?

20 A. That, I don't remember.

21 Q. Do you remember if you asked them  
22 any questions about what they recalled from that  
23 day?

24 A. I did not ask them any questions.

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

1 Q. you provide them with any  
2 documents?

3 A. I don't believe so.

4 Q. Were you ever questioned in a formal  
5 setting by an investigator?

6 A. No.

7 Q. Do you recall what documents you put  
8 together to provide to the commissioner?

9 A. I have a clarification.

10 Q. Yes, go ahead.

11 A. Officer Wendover asked for a copy of  
12 Wendover's statement, of his statement.13 Q. And where did you get that statement  
14 from, to give to him?15 A. Out of the records prepared for the  
16 Commission of Corrections.17 Q. That was the statement he gave to  
18 BCI?

19 A. Yes.

20 Q. Did you give anybody else a copy of  
21 their statements?

22 A. I don't believe so.

23 Q. Do you recall discussing with  
24 anybody from the Commission anything about the

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1 ADM 330?

2 A. No.

3 Q. Do you recall discussing with  
4 anybody from the Commission about Spencer not  
5 being on a constant watch?

6 A. No.

7 Q. Do you recall telling anybody at the  
8 Commission that there was no mental health  
9 referral done?

10 A. No.

11 Q. Do you recall telling anybody at the  
12 Commission that Spencer was declared dead at the  
13 emergency room?

14 A. No.

15 Q. Do you recall telling anybody at the  
16 Commission anything about CPR?

17 A. No.

18 Q. Did you ever see the report that the  
19 state Commission issued?

20 A. Yes.

21 Q. Under what circumstances did you see  
22 that?

23 A. A copy. I got a copy of it.

24 Q. And do you recall who provided you

COMPU-TRAN SHORTHAND REPORTING

1                   *Robert LeFever*

03:00:00 2 with that?

03:00:03 3       **A. No, I don't.**

03:00:06 4       **Q. Was it sent to you in the mail or**  
03:00:07 5       **somebody gave it to you physically?**

03:00:08 6       **A. I don't remember if it was in the**  
03:00:09 7       **mail or from the sheriff.**

03:00:10 8       **Q. Did you have any conversations with**  
03:00:11 9       **anybody about what was contained in the report?**

03:00:12 10      **A. No.**

03:00:13 11      **Q. Including in any staff meeting?**

03:00:14 12      **A. No.**

03:00:15 13      **Q. Did you speak with any of your**  
03:00:16 14      **subordinates - lieutenant, sergeants, correction**  
03:00:17 15      **officers - about anything in that report?**

03:00:18 16      **A. No.**

03:00:19 17      **Q. Do you recall in substance the**  
03:00:20 18      **report concluded that there was a failure on the**  
03:00:21 19      **intake officer's, Correction Officer Vasaturo's,**  
03:00:22 20      **part with respect to that intake process?**

03:00:23 21      **A. Yes.**

03:00:24 22      **Q. Do you recall there was also a**  
03:00:25 23      **conclusion by the Commission that there was a**  
03:00:26 24      **failure on LaPolla to follow through with his**  
03:00:27 25      **duties and responsibilities?**

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1                   *Robert LeFever*

2       **A. Yes.**

3       **Q. Did you ever take any measures with**  
4       **respect to Vasaturo to counsel him, institute any**  
5       **kind of training or corrective action as a result**  
6       **of that?**

7       **A. No.**

8       **Q. Do you know if any such action's**  
9       **been taken by anyone else?**

10      **A. No.**

11      **Q. Did you ever discuss with anybody**  
12      **anything about possible action against Vasaturo?**

13      **A. With the sheriff.**

14      **Q. When did you have those discussions?**

15      **A. I believe it's October of 2006.**

16      **Q. Was that the first time?**

17      **A. I believe so.**

18      **Q. How did that come about? Did you**  
19      **approach the sheriff, or did he approach you?**

20      **A. I don't remember who approached**  
21      **whom.**

22      **Q. In substance, what did you say and**  
23      **what did he say?**

24      **A. We were just talking about the**  
25      **Commission report, and I said they didn't do**

COMPU-TRAN SHORTHAND REPORTING

1                   *Robert LeFever*

2       **their job and they should be fired.**

3       **Q. And when you say you were talking**  
4       **about the Commission report, were you talking**  
5       **about the parts pertaining to Vasaturo and**  
6       **LaPolla?**

7       **A. The whole report in general.**

8       **Q. But in terms of your comment that**  
9       **they didn't do their jobs and should be fired,**  
10      **you were referring to both Vasaturo and LaPolla?**

11      **A. Yes.**

12      **Q. Did the sheriff respond?**

13      **A. No, he did not.**

14      **Q. Anything else that you can recall**  
15      **saying?**

16      **A. No.**

17      **Q. Anything that you can recall the**  
18      **sheriff saying?**

19      **A. No.**

20      **Q. Other than in reference to Vasaturo**  
21      **and LaPolla, do you recall if you discussed**  
22      **anything else specific with Sheriff Smith?**

23      **A. No.**

24      **Q. Did you discuss anything with him**  
25      **about AmeriCor?**

COMPU-TRAN SHORTHAND REPORTING

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1                   *Robert LeFever*

2       **A. Not that I remember.**

3       **Q. And do you know if anything has been**  
4       **done either before or after October of '06 with**  
5       **respect to Vasaturo and LaPolla?**

6       **A. No.**

7       **Q. Did you personally ever counsel,**  
8       **criticize, take any kind of action yourself, to**  
9       **further train or instruct LaPolla?**

10      **A. No.**

11      **Q. Do you know if anybody did that?**

12      **A. No, I do not know.**

13      **Q. Are you aware of any changes with**  
14      **respect to what AmeriCor does, either in the**  
15      **intake process or otherwise, since Spencer's**  
16      **death?**

17      **A. The only change that I'm aware of is**  
18      **they do baseline, now, blood pressure and pulse.**

19      **Q. And do you know how that came about?**

20      **A. I don't remember.**

21      **Q. And do you know if that was in any**  
22      **way related to the Commission's report?**

23      **A. I believe it was a recommendation by**  
24      **the Commission.**

25      **Q. Did you ever have any conversations**

COMPU-TRAN SHORTHAND REPORTING

1                   **Robert LeFever:**

2 with Smith about whether or not AmeriCor should  
3 be doing vitals?

4                   **A. No.**

5                   **Q.** And do you recall when it was that  
6 they began doing vitals?

7                   **A. No, I don't.**

8                   **Q.** Do you remember if it was at or  
9 about the time you spoke with Smith about  
10 Vasaturo and LaPolla not doing their jobs?

11                  **A. It would be sometime after the  
12 Commission's report was issued.**

13                  **Q.** Did you ever speak with anybody from  
14 AmeriCor about any of their policies or  
15 procedures?

16                  **A. No.**

17                  **Q.** Or about anything that they should  
18 be doing differently?

19                  **A. No.**

20                  **Q.** Did you ever have occasion to see  
21 any AmeriCor policies or procedures?

22                  **A. Yes.**

23                  **Q.** Under what circumstances?

24                  **A. Just in general conversation and  
25 talking to the staff.**

COMPU-TRAN SHORTHAND REPORTING

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1                   **Robert LeFever**

2                  **Q.** Which staff?

3                  **A. Medical staff.**

4                  **Q.** And can you tell me what occasioned  
5 you to have those discussions with medical staff?

6                  **A. Just talking about an inmate with  
7 high blood pressure/hypertension. And we looked  
8 at, you know, what they're doing for them. That  
9 type of thing.**

10                 **Q.** How often did you do that?

11                 **A. Weekly.**

12                 **Q.** Did you ever have occasion to review  
13 anything about the screening process or the  
14 intake process?

15                 **A. No.**

16                 **Q.** Did you ever have occasion to review  
17 anything with the medical staff about individuals  
18 who have a risk of progressing into having  
19 withdrawal symptoms?

20                 **A. No.**

21                 **Q.** Did you ever have any discussions or  
22 review of any policies or procedures pertaining  
23 to inmates who were intoxicated or under the  
24 influence?

25                 **A. No.**

COMPU-TRAN SHORTHAND REPORTING

1                   **Robert LeFever**

2                  **Q.** Did you ever see any policies or  
3 procedures that require AmeriCor staff to  
4 communicate with correction officers about the  
5 suicide screening form results?

6                  **A. No.**

7                  **Q.** Any other changes in AmeriCor's  
8 practices as far as you know since Spencer's  
9 death?

10                 **A. No.**

11                 **Q.** Were there any policies or  
12 procedures -- withdrawn.

13                 Were you aware of any communications  
14 that Sheriff Smith was having with the  
15 Commission?

16                 **A. No.**

17                 **Q.** Did you assist him in any way in  
18 drafting any correspondence to the Commission?

19                 **A. Yes.**

20                 **Q.** And do you recall when that was?

21                 **A. In the summer of '06.**

22                 **Q.** And do you recall if that was a  
23 letter in response to the Commission's  
24 preliminary findings?

25                 **A. No. It was in response -- it was**

COMPU-TRAN SHORTHAND REPORTING

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1                   **Robert LeFever**

2                  **gathering the documents for the investigation.**  
3                 **Q.** Other than that, do you recall if  
4 you assisted Smith in preparing any  
5 correspondence to the Commission?

6                  **A. No.**

7                 **Q.** Did you ever see any documents that  
8 Smith sent to the Commission in terms of a letter  
9 that he wrote?

10                 **A. Yes.**

11                 **Q.** And do you recall under what  
12 circumstances you saw that?

13                 **A. I got a copy of it.**

14                 **Q.** Were you carbon copied on it?

15                 **A. Yes.**

16                 **Q.** Did you have conversations with  
17 anybody about the contents of that letter?

18                 **A. I don't remember.**

19                 **Q.** I'm going to show you what was  
20 marked as Exhibit 25, which is a compilation of

21 documents, but it was part of the documents that  
22 AmeriCor produced during this case. And

23 specifically, if you take a look at the Bates  
24 stamp at the bottom, 545, it's the fifth page in.

25                 Do you see at the bottom where it

COMPU-TRAN SHORTHAND REPORTING

*Robert LeFever*

1 says A-M-E-R, and it has a lot of zeroes and a  
 2 number?  
 3  
 4       A. Yes.  
 5       Q. I'm just going to refer to the last  
 6 three, which is 545.  
 7       A. Yes.  
 8       Q. Schedule A, Scope of Services.  
 9       Do you recall seeing AmeriCor, in  
 10 writing, present to the Putnam County Sheriff's  
 11 Department a schedule of services they intended  
 12 to provide for the jail?  
 13       A. Yes.  
 14       Q. And do you recall if that was when  
 15 the initial contract was entered into?  
 16       A. Yes.  
 17       Q. Has that been provided since then?  
 18       A. No.  
 19       Q. Take a look, if you would, at the  
 20 page that's Bates stamped 557 at the bottom  
 21 right.  
 22       A. (*Witness complies*)  
 23       Q. Section 1.8, Receiving Screening.  
 24 The second sentence refers to, "Our staff will,  
 25 therefore, follow existing procedures that call

COMPU-TRAN SHORTHAND REPORTING

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1                   *Robert LeFever*  
 2 for the booking officer to complete an Inmate  
 3 Medical Record and a Suicide Prevention Screening  
 4 on each inmate."  
 5       Do you see that?  
 6       A. Yes.  
 7       Q. Do you recall if you went over with  
 8 anybody from AmeriCor any existing procedures  
 9 that were in place at the time?  
 10      A. Yes, we did.  
 11      Q. You did, personally?  
 12      A. Yes.  
 13      Q. Who did you speak with?  
 14      A. The president, Kevin Duffy.  
 15      Q. Did you provide Kevin Duffy with  
 16 anything in writing as to those procedures?  
 17      A. Don't remember.  
 18      Q. Do you recall what was communicated  
 19 to him in terms of the substance of those  
 20 procedures?  
 21      A. No, I don't remember.  
 22      Q. The last sentence on that page  
 23 continues to the next page, "A registered nurse  
 24 will then review these forms and as necessary,  
 25 perform additional evaluations and tuberculosis

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02/12/2008 01:45:23 PM

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*Robert LeFever*

1 screening.  
 2       Do you see that?  
 3  
 4       A. Yes.  
 5       Q. Did you ever have the understanding  
 6 that, as what's contained here, AmeriCor nursing  
 7 staff would review the Suicide Prevention  
 8 Screening forms?  
 9       A. No.  
 10      Q. Even though that's what it appears  
 11 to say?  
 12      A. Correct.  
 13      Q. Did you have any conversations with  
 14 anybody about why Schedule A provided that, but  
 15 it wasn't actually done?  
 16      A. No.  
 17      Q. Do you know who made that decision?  
 18      A. No.  
 19      Q. On the next page, Bates stamped 558,  
 20 the paragraph below number six says, "A  
 21 registered nurse will promptly review all  
 22 Receiving Screenings. Inmates who require  
 23 treatment will be treated at that time and if  
 24 necessary, referred to the physician for  
 25 appropriate follow up. Any inmate with a mental

COMPU-TRAN SHORTHAND REPORTING

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1                   *Robert LeFever*  
 2 health condition will be referred to mental  
 3 health personnel for evaluation and treatment.  
 4 Inmates that receive a suicide screen score of  
 5 eight or higher, or who answer yes to questions  
 6 one, eight, nine, 10B, 11, or 16B, will be  
 7 referred to mental health staff for further  
 8 evaluation."  
 9       Do you see that?  
 10      A. Yes.  
 11      Q. And did you know of any  
 12 responsibility that the nurses had for what's  
 13 contained here - reviewing the screening and  
 14 referring people to mental health staff if eight  
 15 or higher or certain questions were answered yes?  
 16      A. Yes.  
 17      Q. And what was your understanding of  
 18 the nurse's responsibility?  
 19      A. That they would ensure that the  
 20 referral form was done, or a complete one, and  
 21 then notify the mental health staff.  
 22      Q. Who would do that?  
 23      A. The nurse.  
 24      Q. And that was true both before and  
 25 after Spencer's death?

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38 of 73 sheets



*Robert LeFever*

1                   2 on the suicide screening?  
 2                   3         A. They take them in regards to a  
 3                   4         suicide screening.  
 4                   5         Q. Prior to that, did you know if they  
 5                   6         took vital signs at all?  
 6                   7         A. I don't know.  
 7                   8         Q. In terms of recording vital signs or  
 8                   9         recording symptoms of dependence, do you know  
 9                   10      where that recording takes place?  
 10                  11      A. No.  
 11                  12      Q. Have you ever seen any documents  
 12                  13      that nurses are required to fill out?  
 13                  14      A. Yes.  
 14                  15      Q. Such as Progress Notes?  
 15                  16      A. Yes.  
 16                  17      Q. Did you ever review any Progress  
 17                  18      Notes in Spencer's case?  
 18                  19      A. No.  
 19                  20      Q. Did you ever see Exhibit 26, which  
 20                  21      is a Progress Note by Peter Clarke?  
 21                  22      A. Yes.  
 22                  23      Q. Do you recall under what  
 23                  24      circumstances you saw that?  
 24                  25      A. When I was preparing the documents

COMPU-TRAN SHORTHAND REPORTING

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*Robert LeFever*

1                   2 for the Commission of Corrections.  
 2                   3         Q. In that note it indicates, "Will  
 3                   4         monitor."  
 4                   5         Do you see that?  
 5                   6         A. Yes.  
 6                   7         Q. Did you ever ask anybody what that  
 7                   8         meant?  
 8                   9         A. No.  
 9                   10      Q. Or whether Clarke did any  
 10                  11      monitoring?  
 11                  12      A. No.  
 12                  13      Q. Do you know if anybody asked those  
 13                  14      questions?  
 14                  15      A. I don't know.  
 15                  16      Q. Did you ever see Exhibit 27, which  
 16                  17      is the same Progress Note, but below it, it has  
 17                  18      the notes of Susan Waters?  
 18                  19      A. Yes.  
 19                  20      Q. Do you recall if you saw that at the  
 20                  21      same time?  
 21                  22      A. Same time.  
 22                  23      Q. Do you have any understanding as to  
 23                  24      why the Progress Note is in two forms?  
 24                  25      A. No.

COMPU-TRAN SHORTHAND REPORTING

1                   2 Robert LeFever  
 2                   3         you ever ask anybody?  
 3                   4         A. No.  
 4                   5         Q. Do you know if, for example, Susan  
 5                   6         Waters' entries were made after the fact?  
 6                   7         A. I have no idea.  
 7                   8         Q. In terms of the entries pertaining  
 8                   9         to Susan Waters, did you ever follow up with her  
 9                   10      about anything contained in those?  
 10                  11      A. No.  
 11                  12      Q. Did anybody, as far as you know?  
 12                  13      A. Not that I know of.  
 13                  14      Q. On the Progress Notes, there's no  
 14                  15      indication that any vitals were taken; correct?  
 15                  16      A. I don't see any.  
 16                  17      Q. Did you ever ask anybody why that  
 17                  18      wasn't done?  
 18                  19      A. No.  
 19                  20      Q. Under Section 1.11, bottom of the  
 20                  21      page, 561: "Individuals at risk for progression  
 21                  22      to more severe levels of withdrawal will be under  
 22                  23      constant observation by correctional officers."  
 23                  24      Do you see that?  
 24                  25      A. Yes.  
 25                  26      Q. Were there any policies or practices

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*Robert LeFever*

1                   2 in the Putnam County Correctional Facility which  
 2                   3         comport with that; namely, individuals who are at  
 3                   4         risk for progression to more severe levels of  
 4                   5         withdrawal, will be under constant supervision?  
 5                   6         A. Not that I can recall, offhand.  
 6                   7         Q. Do you recall when you reviewed  
 7                   8         AmeriCor's contract and the services it would be  
 8                   9         providing, if you asked anybody any questions  
 9                   10      about that?  
 10                  11      A. No.  
 11                  12      Q. Or whether there were any  
 12                  13      requirements on your staff's part to follow that?  
 13                  14      A. No.  
 14                  15      Q. Were you aware of any requirement  
 15                  16      that medical staff sign the Inmate Medical Intake  
 16                  17      Record packet when they reviewed it?  
 17                  18      A. They sign it when they review it  
 18                  19      with Classification.  
 19                  20      Q. And when is that done?  
 20                  21      A. It would be the next business day.  
 21                  22      Q. And what is the purpose of reviewing  
 22                  23      it with Classification?  
 23                  24      A. Classification has to accept the  
 24                  25      housing level and supervision, and it's just a

COMPU-TRAN SHORTHAND REPORTING

1                   **Robert LeFever**

2   review with medical to see what they have on  
3   file.

4       Q. Did you ever see Exhibit 28,  
5   AmeriCor's Procedure Manual? (*Handing*)

6       A. Yes.

7       Q. Do you recall if you saw that as one  
8   document or at different times, parts of it?

9       A. Both.

10      Q. And do you recall if you reviewed  
11   that at any point in time, you know, when  
12   AmeriCor was coming into the facility?

13      A. It was after they were hired.

14      Q. You reviewed the entire compilation  
15   at that point?

16      A. No, not the entire compilation.

17      Q. How about Exhibit 30, the 2004  
18   Policy Manual; did you ever see that? (*Handing*)

19       A. Yes.

20      Q. Did you ever have any role or input  
21   into the drafting of AmeriCor's procedures or  
22   policies?

23      A. Not that I can recall.

24      Q. Did Kevin Duffy or anybody else from  
25   AmeriCor ever ask for your review or input?

COMPU-TRAN SHORTHAND REPORTING

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1                   **Robert LeFever**

2       A. There have been a few occasions.  
3       Q. Do you recall if any of those  
4   conversations had anything to do with the  
5   Receiving Screening?

6       A. No.

7       Q. Or anything pertaining to drugs and  
8   alcohol?

9       A. No.

10      Q. Or anything pertaining to suicide  
11   prevention?

12      A. No.

13      Q. Did you ever discuss with Kevin Duffy  
14   anything about the Suicide Prevention Screening  
15   Guideline form?

16      A. No.

17      Q. On Exhibit 28, the 2003 manual, if  
18   you would take a look at the page that's Bates  
19   stamped 494 at the bottom.

20      A. (*Witness complies*)

21      Q. Receiving Screening, two-page  
22   policy.

23      Did you ever see that before?

24      A. I'm sorry; where are you at?

25      Q. The whole policy. It's two pages,

COMPU-TRAN SHORTHAND REPORTING

1                   **Robert LeFever**

2   494 to 495. Do you recall if you've ever seen  
3   that before today?

4       A. No.

5       Q. On the bottom of 494, "If the inmate  
6   is medically stable but requires medical follow  
7   up - e.g., intoxicated but subject to going into  
8   withdrawal - the nurse will accept the inmate;  
9   document the medical condition in the inmate's  
10   medical record; and depending on the progress,  
11   contact the physician for orders or schedule the  
12   inmate to be seen at the next physician's sick  
13   call."

14      Do you see that?

15      A. Yes.

16      Q. Do you know if any of those things  
17   were done with respect to Spencer?

18      A. I don't know.

19      Q. Do you know if anybody ever asked  
20   Spencer any questions about his heroin use?

21      A. I don't know.

22      Q. Do you know if anybody ever checked  
23   Spencer's body for any kind of indications of  
24   needle use - track marks or anything like that?

25      A. I don't know.

COMPU-TRAN SHORTHAND REPORTING

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1                   **Robert LeFever**

2       Q. Did you ever ask anything about  
3   that?

4       A. No.

5       Q. In terms of scheduling an inmate to  
6   be seen at the next physician's sick call, can a  
7   correction officer do that?

8       A. No; only medical.

9       Q. And in terms of contacting the  
10   physician for orders, can a correction officer do  
11   that?

12      A. No.

13      Q. And do you know if, with respect to  
14   Spencer Sinkov, anybody scheduled him for a  
15   physician's sick call?

16      A. I don't know.

17      Q. Or contacted a physician?

18      A. I don't know.

19      Q. Did you ever have occasion to review  
20   any Shift Report form that was prepared by  
21   AmeriCor for the shift of May 19 through  
22   May 20th, 2006?

23      A. No.

24      Q. Did you ever review the Shift Report  
25   form for the shift on which Spencer died?

COMPU-TRAN SHORTHAND REPORTING



1           Q. Including whether what happens at  
2           intake?

3           A. No.

4           Q. The next number four on the page  
5           under the "Observation of," Number 4: Condition  
6           of Skin." Do you see that?

7           A. Yes.

8           MS. MARGOLIS: I'm sorry,  
9           Kim; what page are we on?

10          MS. BERG: 422.

11          Q. Were you ever aware, prior to today,  
12           of any requirement that AmeriCor staff observe  
13           the skin, including what's in the parentheses  
14           there - (needle marks or other indications of  
15           drug abuse)?

16          A. No.

17          Q. Did you ever have any conversations  
18           with anybody about whether or not that occurs at  
19           intake?

20          A. No.

21          Q. Page 448 to 450 is a policy called  
22           Suicide Prevention.

23          Did you ever see that before today?

24          A. Not that I can recall.

25          COMPU-TRAN SHORTHAND REPORTING

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1           *Robert LeFever*

2          Q. Do you recall having any  
3           conversations with anybody, including Duffy,  
4           about anything concerning suicide prevention  
5           policies or procedures?

6          A. No.

7          Q. This says that "Inmates will be  
8           evaluated for potential risk of suicide during  
9           the intake process using the Receiving Screening  
10           form and where applicable, the Suicide Prevention  
11           Screening Guidelines form or a similar evaluation  
12           tool."

13          Do you see that?

14          A. Yes.

15          Q. Did you ever speak with Duffy about  
16           whether or not those forms or tools were in place  
17           at the correctional facility?

18          A. No.

19          Q. "Inmates determined to be at risk as  
20           a result of this screening process, will be  
21           placed on suicide precautions and immediately  
22           referred to the psychiatrist."

23          Do you see that?

24          A. Yes.

25          Q. And in terms of being placed on  
            COMPU-TRAN SHORTHAND REPORTING

1           1           suicide precautions, any understanding as to what  
2           2           AmeriCor's policy means by that?

3           A. No.

4           Q. Did you ever receive any inquiries  
5           from anybody at AmeriCor as to what a suicide  
6           precaution is?

7           A. No.

8           Q. Did you ever discuss with Duffy or  
9           anybody else, what suicide precautions there are  
10           in place at Putnam County?

11          A. No.

12          Q. Next page, again, refers to suicide  
13           precautions at the top.

14          Do you see that?

15          A. Yes.

16          Q. Did anybody ever inquire of you as  
17           to what that meant?

18          A. No.

19          Q. Any nursing staff or otherwise?

20          A. No.

21          Q. In that paragraph on page 449, it  
22           says, "Monitoring should occur every 15 minutes,  
23           while the inmate is on suicide precautions."

24          Are you aware of any requirement of  
25           COMPU-TRAN SHORTHAND REPORTING

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1           *Robert LeFever*

2          2           AmeriCor staff to actually monitor inmates?

3          A. No.

4          Q. Did anybody from AmeriCor ever tell  
5           you, as the person in charge of the day-to-day  
6           operations of the jail, that they would, in their  
7           view, require monitoring every 15 minutes?

8          A. No.

9          Q. Did you ever have any conversations  
10           with Duffy about that?

11          A. No.

12          Q. Do you have an understanding, as you  
13           sit here today, as to why it was that Duffy  
14           signed a procedure which would say 15 minutes if,  
15           in fact, your understanding is constant  
16           supervision is required?

17          MS. MARGOLIS: Objection.

18          A. No.

19          Q. Are you aware of any conversations  
20           between Duffy and Smith on that subject?

21          A. No.

22          Q. When the BCI conducted its

23           investigation and it questioned staff of the  
24           facility, as well as AmeriCor staff, were you  
25           aware of that?

COMPU-TRAN SHORTHAND REPORTING



Robert LeFever

1                   2 Rivera?

2                   3       A. No.

3                   4       Q. Do you recall anything about what

4                   5 the Commission recommended in Rivera's situation?

5                   6       A. No, I don't remember.

6                   7       Q. Take a look, if you would, at

7                   8 Exhibit 14, which is the Commission's report

8                   9 pertaining to Rivera and specifically, Paragraph

9                   10 19. (Handing) It's at the back.

10                  11       A. (Witness complies)

11                  12       Q. That paragraph refers to the duties

12                  13 of somebody on the North Housing unit post;

13                  14 correct?

14                  15       A. Yes.

15                  16       Q. And it describes the North Housing

16                  17 Unit as a 16-cell linear housing unit; correct?

17                  18       A. Yes.

18                  19       Q. Any changes to it since 2003?

19                  20       A. No.

20                  21       Q. The post is maintained right outside

21                  22 the block door?

22                  23       A. Yes.

23                  24       Q. Is that true still to today?

24                  25       A. Yes.

COMPU-TRAN SHORTHAND REPORTING

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1                   2       Robert LeFever

2                   3       Q. It says, "In addition to supervising

3                   4 the North Housing Unit, the officer has

4                   5 responsibilities in other areas, including the

5                   6 program area."

6                   7       A. Yes,

7                   8       Q. Is that true to today?

8                   9       A. No.

9                   10      Q. When did that change?

10                  11     A. I believe, in 2004.

11                  12     Q. And what changed?

12                  13     A. What changed is Sheriff Smith was

13                  14 able to get another correction officer position

14                  15 for the program, also.

15                  16     Q. And when was that post staffed?

16                  17     A. I don't remember. Sometime

17 thereafter.

18                  19     Q. And do you recall if it was staffed

19 before May 20th of '06?

20                  21     A. I don't remember.

21                  22     Q. And in terms of that program officer

22 post, is it a day shift? A night shift?

23                  24     A. It's a day shift.

24                  25     Q. Is it steady days?

25                  A. Yes.

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

1                   2 Q. / specific days of the week?

2                   3       A. Monday through Friday.

3                   4       Q. So then, on nights and weekends, are

4                   5 there any programs that need to be tended to,

5                   6 where the program officer post wouldn't be

6                   7 filled?

7                   8       A. Yes.

8                   9       Q. And who would take over that?

9                   10      A. The inmate escort officer.

10                  11      Q. Anybody else?

11                  12      A. No.

12                  13      Q. Were you aware at any point in time

13                  14 that as a matter of practice, somebody on the

14                  15 North Housing Unit post had responsibility for

15                  16 the programs?

16                  17     MR. RANDAZZO: Objection to

17 the form.

18                  19     A. Prior to the program officer

19                  20 position?

20                  21     Q. At any point in time.

21                  22     A. Yes.

22                  23     Q. Would it have been prior to this

23                  24 position being created?

24                  25     A. Yes.

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1                   2       Robert LeFever

2                   3       Q. Do you know if that was, then, prior

3 to May 20th or after May 20th of '06?

4                   4       A. I don't know.

5                   5       Q. It also indicates in the

6                   6 Commission's final report on Rivera that the NHU

7 post has responsibility for movement into the

8 adjacent recreation yard and a separate four-cell

9 housing unit, approximately 100 feet away.

10                  Does that remain true to today?

11                  A. No.

12                  Q. What changed in that regard?

13                  A. What changed is the Commission

14                  changed their staffing analysis. This originally

15                  was under staffing, but the officer who ran the

16                  16 units and did programs and did the other

17                  housing unit, they came down -- I don't remember

18                  when they came out or what it was in regards to,

19                  but they said we couldn't use those four cells as

20                  housing - it was only special housing - and that

21                  they were going to look at the program area.

22                  Q. How about the recreation yard

23                  duties?

24                  A. Moving the inmates? Yes, they still

25                  move the inmates.

COMPU-TRAN SHORTHAND REPORTING

02/12/2008 01:45:23 PM

Robert LeFever

Q. So, that would be the NHU post?

A. Yes.

Q. What is the separate four-cell housing unit?

A. It's a four-cell unit down -- it's about 100 feet from their station, and it was normally housed in general housing. And they would supervise both units - the four-man and the 16-man. And then, like I said, the Commission determined that they couldn't do that anymore.

Q. And do you recall when that happened?

A. I don't remember.

Q. Do you recall if it was before or after May 20th of '06?

A. I don't remember.

Q. And the four-cell housing unit, does it have its own designation, like NHU-2?

A. It's North Housing Two, North Housing Unit Two.

Q. Under the "Recommendations" section, number one, to the sheriff of Putnam County: "The sheriff should question the housing area officer for the North Housing area for the

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

accuracy of his documented times he completed rounds."

Do you see that?

A. Yes.

Q. Do you recall that as you sit here today?

A. Yes.

Q. Do you know if anybody ever questioned the housing area officer?

A. Any officer in particular? I don't believe so.

Q. In this case, I believe it was Vasaturo; do you recall if anybody ever questioned him?

A. I don't remember.

Q. Did you ever come to learn that he understood that he could round off times?

A. I've heard that.

Q. At this time?

A. I don't remember when I heard it.

Q. Did you do anything as a result of hearing that?

A. We told everybody, you can't round off.

COMPU-TRAN SHORTHAND REPORTING

Robert LeFever

Q. verbally?

A. Verbally and in training.

Q. Anything else?

A. No.

Q. Did you do that after the Commission's report came down?

A. Before and after.

Q. Was any, as far as you know, disciplinary action taken against Vasaturo?

A. I don't know.

Q. Number two says "Reevaluate first-aid equipment availability."

Do you know if that was done?

A. Yes.

Q. What was done in that regard?

A. We made sure all the oxygen bottles are filled, in the proper places, first-aid kits, fire extinguishers.

Q. And Number 3 says, "The sheriff should request an updated staffing analysis."

Do you know if that was done?

A. Yes.

Q. Is that the same staffing analysis that you just testified about or something

COMPU-TRAN SHORTHAND REPORTING

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Robert LeFever

different?

A. No; the Commission came down and did a review. I forget what prompted that, but then the sheriff asked me for complete staffing housing for the entire jail, not just the north unit.

Q. So, in terms of the changes that you testified to earlier to the program officer and the four cells that are NHU Two, was that part of this updated staffing analysis or a different one?

A. It was prior to, but it was incorporated therein once it was promulgated.

Q. So, those changes came down prior to 2003?

A. That would be after 2003.

Q. Do you recall if it was prior to

January 11th of '05 when the Commission issued the Rivera report?

A. Don't remember.

Q. Did you ever have occasion to review any of the documents pertaining to Rivera's incarceration - Medical Record Intake forms, anything like that?

COMPU-TRAN SHORTHAND REPORTING

*Robert LeFever.*

1           **A. Only at the time o. putting them**  
 2           **together.**

3           **Q. So, that would've been back in '03 --**  
 4           **A. Yes.**  
 5           **Q. -- or '04?**

6           **A. Within a month after it happened.**  
 7           **Q. Okay. And do you recall if he had**

8           **in his file a Suicide Prevention Screening**  
 9           **Guideline form?**

10          **A. I don't remember.**

11          **Q. Did you speak with anybody at that**  
 12         **time about anything concerning his intake**  
 13         **process?**

14          **A. Not that I can recall.**

15          **Q. Or about what he was doing while he**  
 16         **was being monitored?**

17          **A. No.**

18          **Q. Do you recall if Rivera had a Mental**  
 19         **Health Referral Routing Sheet completed for him?**

20          **A. I believe he did.**

21          **Q. And do you know if in his case a**  
 22         **correction officer, or a nurse, or both,**  
 23         **completed one?**

24          **A. I think there was two of them.**

25          **COMPU-TRAN SHORTHAND REPORTING**

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*Robert LeFever*

1           **Q. Do you recall one being done by the**  
 2           **sergeant or the correction officer?**

3           **A. I don't remember who did them.**

4           **Q. Do you recall being involved in any**  
 5           **meetings or discussions after Rivera's death**  
 6           **about anything concerning the suicide policies in**  
 7           **the jail??**

8           **A. Only in regards to Dr. Sadler.**

9           **Q. Anything else?**

10          **A. No.**

11          **Q. Dr. Sadler at that time was the jail**  
 12         **psychiatrist?**

13          **A. Yes.**

14          **Q. And since that time, AmeriCor now**  
 15         **provides those mental health services?**

16          **A. Yes.**

17          **MS. BERG: Let me have**  
 18         **marked as Exhibit 39 a copy of an**  
 19         **interoffice memo from Captain Robert**  
 20         **LeFever, to Sheriff Donald Smith,**  
 21         **Attention: Undersheriff Convery.**

22          **And as 40, a September 28th, '04,**  
 23         **memo from Convery to LeFever.**

24          **(Whereupon, 10/4/04 memo was marked as**  
 25         **COMPU-TRAN SHORTHAND REPORTING**

*Robert LeFever*

1           **Plaint. Exhibit No. 39, for id;**  
 2           **9/28/04 memo was marked as**

3           **Plaintiff's Exhibit No. 40, for Id.)**

4           **Q. In terms of chronology, I'm going to**  
 5           **start with 40. (Handing)**

6           **Do you remember receiving that from**  
 7           **Convery?**

8           **A. No, I don't remember it.**

9           **Q. Do you recall, at any point in time,**  
 10         **preparing any response to the recommendations in**  
 11         **the Commission's report on Rivera?**

12          **A. No.**

13          **Q. Take a look at 39. (Handing)**

14          **Do you recall delivering that to**  
 15         **Sheriff Smith and Undersheriff Convery?**

16          **A. I don't remember it.**

17          **Q. Do you recall anything that you did**  
 18         **to prepare Exhibit 39?**

19          **A. No.**

20          **Q. The first paragraph in your memo**  
 21         **says, "The policies and procedures in place are**  
 22         **consistent with the training for suicide**  
 23         **prevention."**

24          **A. Yes.**

25          **COMPU-TRAN SHORTHAND REPORTING**

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*Robert LeFever*

1           **Q. And then, you go on to refer to the**  
 2           **suicide Prevention Screening being good for**  
 3           **72 hours.**

4           **Do you see that?**

5           **A. Yes.**

6           **Q. In terms of those policies and**  
 7           **procedures, were you referring solely to the fact**  
 8           **that the suicide prevention screening is only**  
 9           **good for 72 hours?**

10          **A. Yes.**

11          **Q. Were you referring to any other**  
 12         **policies or procedures?**

13          **A. No.**

14          **Q. Did anybody ask you at that time**  
 15         **about anything concerning any other policies or**  
 16         **procedures?**

17          **A. No.**

18          **Q. Look at Paragraph 2: "The**  
 19         **correction officer on duty during the incident**  
 20         **was counselled regarding his rounding of the**  
 21         **times of his security checks."**

22          **Do you see that?**

23          **A. Yes.**

24          **Q. Do you have a recollection of that**  
 25         **COMPU-TRAN SHORTHAND REPORTING**

1 as you sit here today?

2 A. No.

3 Q. Do you know who the correction

4 officer was?

5 A. No.

6 Q. Do you know who counselled him or

7 her?

8 A. No.

9 Q. Do you know if that counseling was

10 in any way memorialized in some written form?

11 A. I don't remember.

12 Q. On the second page, Number Four:

13 "The sheriff already obtained a new correction

14 officer position for the post of program officer.

15 This was requested for the 2004 budget; and most

16 recently, the position filled."

17 Do you see that?

18 A. Yes.

19 Q. Does that refresh your recollection

20 as to when the position was filled?

21 A. Yes.

22 Q. It says "Recently, the process had

23 begun to assign this post."

24 What does that mean?

COMPU-TRAN SHORTHAND REPORTING

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1 Robert LeFever

2 A. Well, once we got the position

3 filled, we were -- I believe we were short

4 staffed at the time; so, we were taking that

5 person and using him for other -- other posts at

6 the time, and then we were putting him on that

7 post when we had the opportunity.

8 Q. Once that position was created, was

9 it always the responsibility of the inmate -- was

10 it the booking officer that had that?

11 A. No; inmate escort officer.

12 Q. I'm sorry; escort officer. Once the

13 program officer position was budgeted for and

14 filled, is that when the inmate escort officer

15 would take over on nights and weekends?

16 A. Yes.

17 Q. And do you recall, then, when it was

18 that that position was actually filled?

19 A. No. Permanently, no.

20 Q. And you can't tell me whether it was

21 before or after May 20th of 2006?

22 A. Now, with this recollection, I would

23 say it would be January -- it would probably be

24 January of 2005.

25 Q. Do you recall, though, one way or

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1 the other?

2 A. No.

3 Q. With respect to Mr. Rodriguez, do

4 you recall if there was any investigation with

5 respect to his attempted suicide?

6 A. I'm sorry; I didn't hear that.

7 Q. Rodriguez, the attempted suicide,

8 was there any investigation regarding that?

9 A. I don't remember.

10 Q. Do you know if there were any -- did

11 you at least review any medical intake forms,

12 suicide screening forms; anything along those

13 lines?

14 A. No.

15 Q. Do you know if he was on a 15-minute

16 watch or something else?

17 A. I don't remember.

18 Q. Do you recall if he had any history

19 of drug use?

20 A. I don't remember.

21 Q. Do you recall how it was that it

22 came to be that his attempted suicide was

23 thwarted?

24 A. No.

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1 Robert LeFever

2 Q. Do you recall if other inmates were

3 calling for the correction staff to come?

4 A. I believe that's what it was.

5 Q. Where was he housed?

6 A. In North Housing.

7 Q. Do you recall if there was any

8 investigation by the county into that matter?

9 A. I don't remember.

10 Q. Were any statements taken as far as

11 you know?

12 A. Don't remember.

13 Q. Was the Commission notified?

14 A. Yes.

15 Q. Do you know if the investigators

16 from the Commission ever questioned anybody?

17 A. Don't remember.

18 Q. Do you recall if you provided the

19 Commission with any documents?

20 A. Don't remember.

21 Q. In connection with Rodriguez, did

22 the sheriff, undersheriff, or anybody else ever

23 ask you for any information pertaining to the

24 Commission's investigation?

25 A. Don't remember.

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